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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,393	04/27/2001	Elliott Woodard Harris	AUS920010102US1	1332

7590 02/22/2005

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EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/844,393

**Applicant(s)**

HARRIS, ELLIOTT WOODARD

**Examiner**

LaShonda T Jacobs

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Amendment*

This is a Final Office Action in response to Applicant's Request for Reconsideration filed on October 29, 2004. Claims 1-19 are presented for further examination.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynblatt in view Nielsen.

As per claims 1, 9 and 12, Wynblatt discloses a method, computer program product and system for rendering an image area, associated with a hypertext link to an image document having content for the image area, contained within an electronic document, comprising:

- retrieving a header element for the image document (col. 3, lines 37-63, col. 5, lines 23-26 and lines 37-40); and
- rendering, non-visually, information contained within the header element (col. 4, lines 61-67 and col. 5, lines 1-26).

However, Wynblatt does not explicitly disclose:

when at least one of the following occur:

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- i) rendering a requested electronic document containing the image area , and
- ii)receiving a selection of the image area.

In an analogous art, Nielsen discloses a method and apparatus for detecting and presenting client side image map attributes including:

when at least one of the following occur:

- i) rendering a requested electronic document containing the image area (col. 2, lines 60-67, col. 7, lines 51-67 and col. 8, lines 1-32) , and
- ii)receiving a selection of the image area (col. 8, lines 34-67 and col. 9, lines 1-29).

Given the teaching of Nielsen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wynblatt by allowing a visually impaired user to select an image area within the html page in order to receive an audio interpretation of the image.

As per claims 7, 10 and 19, Wynblatt discloses a method, computer program product and system for receiving a rendering of an image area in an electronic document, comprising:

- receiving a rendering of information contained within a header element of a second electronic document is referenced by said hypertext link (col. 3, lines 37-63, col. 5, lines 23-51).

However, Wynblatt does not explicitly disclose:

- selecting an image area within a first electronic document, wherein the image area is associated with a hypertext link.

In an analogous art, Nielsen discloses a method and apparatus for detecting and presenting client side image map attributes including:

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- selecting an image area within a first electronic document, wherein the image area is associated with a hypertext link (abstract, col. 2, lines 60-67, col. 7, lines 51-67 and col. 8, lines 1-32).

Given the teaching of Nielsen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wynblatt by allowing a visually impaired user to select a URL associated with an image on the html page in order to receive an audio interpretation of the image.

As per claims 8, 11 and 15, Wynblatt discloses a method, computer program product and system for receiving a rendering of an image area in an electronic document, comprising:

- receiving non-visual rendering information contained within the header element of the second electronic document in connection with a rendering of the first electronic document (col. 3, lines 37-63, col. 4, lines 61-67 and col. 5, lines 23-51).

However, Wynblatt does not explicitly disclose:

- selecting a first electronic document having an image area, wherein the image area is associated with a hypertext link to a second electronic document.

In an analogous art, Nielsen discloses a method and apparatus for detecting and presenting client side image map attributes including:

- selecting a first electronic document having an image area, wherein the image area is associated with a hypertext link to a second electronic document (abstract, col. 2, lines 60-67, col. 7, lines 51-67 and col. 8, lines 1-32).

Given the teaching of Nielsen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wynblatt by allowing a visually impaired user to

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select a URL associated with an image on the html page in order to receive an audio interpretation of the image.

As per claims 2 and 13, Wynblatt discloses:

- wherein the rendering is audible (abstract and col. 2, lines 40-51).

As per claims 3 and 16, Wynblatt discloses:

- wherein the rendering is by means of tactile feedback mechanism (col. 2, lines 8-15).

As per claims 4 and 17, Wynblatt discloses:

- wherein the information rendered from the header element of the second electronic document is a title (col. 3, lines 37-63, col. 5, lines 23-26, lines 37-40 and lines 49-51).

As per claims 5 and 18, Wynblatt discloses:

- wherein the information rendered from the header element of the second electronic document is a national language designation (col. 3, lines 37-63, col. 5, lines 23-26 and lines 37-40).

As per claims 6 and 14, Wynblatt discloses:

- wherein the information rendered from the header element of the second electronic document comprises meta elements specified by the document author (col. 4, lines 52-55 and col. 6, lines 5-30).

### ***Response to Arguments***

3. Applicant's arguments filed October 29, 2004 have been fully considered but they are not persuasive.

**The Office notes the following arguments:**

- a. Wynblatt does not teach or suggest retrieval of header information for an image document.

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- b. Neilson does not teach or suggest retrieving a header element for an image document.
- c. Examiner has failed to establish that either of the cited references teach or suggest the claim document hierarchy (an electronic document and image document, where the electronic document contains an image area, and the image area is associated with a hypertext link to an image document having content for the image) with associated retrieval of a header element for such image document – which is different from the electronic document – a prima facie case of obviousness has not be made with respect to claim 1.
- d. None of the cited references teach or suggest the claimed feature of “receiving a rendering information contained within a header element of a second electronic document, wherein the second electronic document is referenced by said hyperlink.”
- e. Wynblatt does not teach such a second electronic document, it similarly follows that Wynblatt cannot teach receiving rendering information contained within a header element of such (missing) second electronic document, as expressly recited in claim 7.
- f. None of the cited references teach or suggest the claimed step of “receiving non-visual rendering information contained within the header element of the second electronic document”, the second electronic document being defined as having a hypertext to it, and such hypertext link having an image area associated with it, the image area being a part of a first electronic document.

**In response to:**

(a)-(f), Applicant asserted that Wynblatt does not teach or suggest the use of retrieving a header element for an image document. The examiner disagrees with the precedent assertion. The examiner kindly submits that the applicants misread the applied references. However, when read

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and analyzed in light of the specification, the invention as claimed does not support applicant's assertions. Actually, applicant is interpreting the claims very narrow without considering the broad teaching of the references used in the rejection. The aforementioned assertion wherein the use of retrieving a header element for an image document does not disclose by Wynblatt with regard to the invention of claim 1 was unsupported by objective factual evidence and was not found to be of substantial evidentiary value. The examiner has provided in the last office action of the parent application, a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the cited references.

Wynblatt, however, discloses a system for providing a non-visual browsing environment for the World Wide Web and can also use for visually impaired web surfers. It is respectfully submitted that the Web based interactive disclosed by Wynblatt provides the enhanced capability of retrieving a header element for the image document (col.3, lines 37-63) and rendering, non-visually, information containing within the header element (col.2, lines 20-25), wherein rendering of each document always begins with the speaking of the document's title so that the user quickly discover his or her location. Wynblatt also discloses a WIRE system that offers an alternative searching mechanism to speech recognition. In addition, WIRE can be acting as a WWW browser and serves as an Internet mail reader, wherein the system can read e-mail messages to the user by using text-to speech translation, and wherein WIRE system is able to render digital audio data stored in the form of WWW files and allows access to the WWW in the absence of a visual display (col.8, lines 12-19). Such system disclosed by Wynblatt increases the efficiency of commuters and exercisers everywhere, and brings the World Wide Web to the visually impaired for perhaps the first time (col.8, lines 20-30). On the other hand, Nielsen



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discloses a system that provides audio feedback to a user of a HTML capable application as to the hyperlinks associated with an area in an image document. Such system disclosed by Nielsen allows the web page author to provide a definition on the image as well as what action the browser should take when the area is selected (col.7, lines 53-56). Wynblatt and Nielsen disclose substantially the invention as broadly claimed. Applicants are reminded that 37 CFR 1.111(b) states, A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Furthermore, for this assertion to have merit, it is important to Applicants provide some forms of evidence that convincingly show that Examiner's reference does not meet the claims language. Applicants' assertions are just mere allegation with no supported fact. Applicant is reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Hence, for the above reasons, it is believed that the rejection under 35 U.S.C. 103 provides substantial evidence to support the rationale statement in the above rejection. The rejection under 35 U.S.C. 103 should be sustained.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,775,805 to Watanabe et al

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U.S. Pat. No. 6,721,781 to Bates et al

U.S. Pat. No. 6,115,686 to Chung et al

U.S. Pat. No. 6,643,621 to Dodrill et al

U.S. Pat. No. 6,459,364 to Gupta

U.S. Pat. No. 6,088,675 to MacKenty et al

U.S. Pat. No. 5,899,975 to Nielsen

U.S. Pat. No. 6,604,075 to Brown et al

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

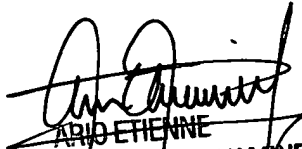
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
February 13, 2005

  
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